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Chairman: Mr. Yáñez-Barnuevo ..... (Spain)

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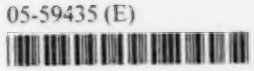

The meeting was called to order at 11.40 a.m.

Agenda item 153: Report of the Committee on Relations with the Host Country (A/60/26 and A/C.6/60/L.15)

1. **Mr. Mavroyiannis** (Cyprus), speaking as Chairman of the Committee on Relations with the Host Country, introduced the Committee's report (A/60/26) and drew particular attention to the recommendations and conclusions set forth in chapter IV. He reported that, at the four meetings held during the reporting period, the Committee had discussed the use of motor vehicles, acceleration of immigration and customs procedures, entry visas, tax exemptions and travel regulations with representatives of the host country. The Committee on Relations with the Host Country was an important, and indeed the only, forum to resolve some of the problems faced by the diplomatic community in relation to the host country through a constructive exchange of views. It had proved to be an open, transparent and flexible body, in which any interested delegation could participate as an observer; all its members had equal standing, and it proceeded by consensus. Although a number of issues had generated intense interest, a spirit of willingness to cooperate had emerged in all meetings, and he would urge all Member States to maintain that positive climate and work towards strengthening the dialogue with the host country as a means of addressing any issues that might arise.

2. Speaking as the representative of Cyprus, he introduced draft resolution A/C.6/60/L.15 on the report of the Committee on Relations with the Host Country on behalf of the sponsors. He pointed out that the resolution endorsed the recommendations and conclusions contained in paragraph 72 of the report and referred, inter alia, to the Committee's continued review of the implementation of the Parking Programme for Diplomatic Vehicles; the request of a number of delegations for a shortening of the time frame applied by the host country for the issuance of entry visas to representatives of Member States, since the time frame posed difficulties for the full-fledged participation of Member States in United Nations meetings; and the Committee's anticipation that the host country would enhance its efforts to facilitate their participation in other United Nations meetings as appropriate.

3. **Mr. Watson** (United Kingdom), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia; and, in addition, Iceland, the Republic of Moldova and Ukraine, said that the Committee on Relations with the Host Country remained an important forum for discussing and resolving problems that might arise for delegations accredited to the United Nations in New York covering a diverse range of issues. The Union supported the recommendations and conclusions contained in the report and had full confidence in the host country's commitment to take any necessary measures to ensure the effective functioning of missions to the United Nations.

4. **Ms. Ramos Rodríguez** (Cuba) said that her delegation, as a member of the Committee on Relations with the Host Country, was interested in improving its work by promoting broad debate among its members and encouraging the active participation of other States. That Committee had an important role to play in advising the host country on issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations.

5. Her delegation also wished to stress the importance of the host country's applying the pertinent provisions of the Convention on the Privileges and Immunities of the United Nations, the 1961 Vienna Convention on Diplomatic Relations and the Headquarters Agreement in an appropriate manner. Among the especially sensitive issues considered by the Committee were the problems some delegations, including her own, had raised concerning issuance of entry visas. To cite just one example, the President of the Cuban National Assembly had been denied an entry visa to attend the second World Conference of Speakers of Parliament convened by the Inter-Parliamentary Union (IPU) at United Nations Headquarters in September 2005 on the ground that the Conference had been convened by IPU and not by the United Nations, even though the General Assembly in its resolution 59/19 had called upon the host country to extend the usual courtesies to participants of all parliamentary delegations of States Members of the United Nations at the Conference. Moreover, the head

of the Cuban delegation to the High-level Plenary Meeting held at the sixtieth session of the General Assembly had been issued a visa too late to enable him to participate in the events held on the first day of the meeting.

6. In addition, the host country had imposed travel restrictions on the personnel of certain missions and United Nations staff members of certain nationalities in an arbitrary and unjustified manner. For example, on some occasions the host country had refused travel permits to Cuban diplomats to attend meetings related to the United Nations that were held outside a 25-mile radius. The imposition of such restrictions on the movements of Cuban diplomats were unfair, selective, discriminatory and politically motivated, in contravention of the obligations of the host country under the Headquarters Agreement and diplomatic usage.

7. Her delegation urged the host country to reconsider its positions on entry visas and travel restrictions to bring them into line with the general principles of law, equality and non-discrimination and the provisions of international law.

8. **Ms. Zabolotskaya** (Russian Federation) said that the complicated issues arising in the relations between the United Nations and the host country must be resolved in a spirit of cooperation and in strict compliance with international law. The Committee on Relations with the Host Country had not succeeded in performing all its functions equally effectively, especially with regard to a number of recurring chronic problems.

9. Despite some progress in the implementation of the Parking Programme, it was still not fully operational. The authorities of the City of New York should follow the example of missions and their personnel in conscientiously carrying out their obligations under the Programme. They should in particular pay closer attention to the requests and recommendations of missions which continued to experience difficulties in connection with the Programme.

10. The timely issuance of entry visas determined to some extent the ability of Member States to participate fully in the measures taken by the United Nations in New York. The Russian Federation supported the Committee's recommendations concerning shortening the time frame for issuance of entry visas.

11. The travel regulations issued by the host country with regard to personnel of missions were not applied to the overwhelming majority of States. The Russian Federation was discriminated against in that regard; despite its persistence over the years in raising the question of removal of the restrictions, no tangible progress had been made. An early solution of the problem was important not only for the Russian Federation but for other countries as well; it would also enhance the authority of the Committee on Relations with the Host Country and the image of the Organization as a whole.

12. **Mr. Toro Jiménez** (Bolivarian Republic of Venezuela) said that his delegation wished to reiterate its position regarding the improper conduct of the host country. Owing to the delay in the receipt of entry visas for key medical and security personnel in the entourage of the President of the Republic, the latter had been forced to delay his travel to New York for the High-level Plenary Meeting of the General Assembly held in September 2005. The host country's conduct constituted a breach of its obligations under article IV, section 11, of the Headquarters Agreement.

13. In addition, diplomatic personnel of the Venezuelan mission had been subjected to insulting and humiliating treatment in United States airports. Although the representative of the host country had placed the blame on the airline personnel, the airlines had denied it, making it clear that the Department of Homeland Security, not the airlines, was responsible for the decision. However, even under the first hypothesis, the host country had an obligation under the Headquarters Agreement and the Vienna Convention on Diplomatic Relations to ensure that airport personnel were trained to understand and respect diplomatic immunities and privileges.

14. The facts related above led his delegation to conclude that the only solution was to move the Headquarters of the United Nations. The Organization could not remain in the territory of a State that persisted in violating the Headquarters Agreement and, even apart from that, daily created more enemies for itself throughout the world, so that the diplomatic community working at the United Nations was in constant danger.

15. In the short term, measures must be taken to prevent any interference with missions in the exercise of their functions. His delegation advocated the lifting

of travel restrictions on the personnel of certain missions as unfair, selective, discriminatory and contrary to the Headquarters Agreement and the Vienna Convention on Diplomatic Relations.

16. **Mr. Gunda** (Botswana) said that his delegation was concerned about the statement made a few days earlier by Senator Hillary Clinton to the effect that no aid should be provided to countries which did not pay their parking fines. Did that represent the position of the United States Government?

17. **Mr. Elji** (Syrian Arab Republic) said that every country had the right to make whatever arrangements for the parking of vehicles which it saw fit, and the diplomatic corps should abide by local laws. However, the Parking Programme was in contradiction with the host country's obligations under the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations. Furthermore, the host country was not fulfilling its obligation to issue entry visas in good time to all members of official delegations.

18. **Ms. Wilsar** (United States of America) said that the United States was proud to serve as host country to the United Nations. Since 1946 the United States Government had fulfilled the corresponding obligations under international law in every respect and remained committed to doing so in the future. The United States appreciated the constructive spirit of the members of the Committee on Relations with the Host Country and welcomed in particular the participation of numerous observer delegations, which made the Committee's deliberations more representative.

19. The Parking Programme had been a success, for the number of parking tickets issued to diplomatic and consular personnel was now a small fraction of what it once had been, although a small number of missions were still experiencing problems with some aspects of the Programme. The host country remained committed to working with the authorities of the City of New York to ensure that the Programme functioned as intended. The United States Mission pledged to fulfil all of its obligations to the United Nations community under international law and expected each member of that community to respect local laws. The United Nations Legal Counsel had found the Parking Programme to be consistent with international law and practice.

20. The travel restrictions to which some missions had objected did not violate international law. Under the Headquarters Agreement the United States was not required to permit all members of missions to travel to other parts of the country except on official United Nations business. Travel to unofficial events was not governed by international agreements. Nevertheless, the United States had been able to modify and in some cases remove the restrictions imposed on certain missions.

Agenda item 78: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (*continued*) (A/C.6/60/L.5)

21. *Draft resolution A/C.6/60/L.5 was adopted.*

Agenda item 82: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*) (A/C.6/60/L.13)

22. **Mr. Samy** (Egypt), introducing draft resolution A/C.6/60/L.13, said that the text was based on the resolution adopted at the preceding session, with some changes and additions to reflect the discussion in the Special Committee over the past year. In particular, reference was made in the thirteenth preambular paragraph and in operative paragraph 3 (d) to the Special Committee's readiness to engage, as appropriate, in the implementation of any decisions that might be taken at the High-level Plenary Meeting.

23. Since a separate draft resolution on the application of sanctions was not being submitted at the current session, the question was referred to in the preambular part of the draft resolution and in paragraph 16. Paragraphs 7 and 8 had been introduced in order to mark the sixtieth anniversary of the establishment of the International Court of Justice. Several new paragraphs had also been included on the subject of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*.

24. **Mr. Mikulka** (Secretary of the Committee), referring to the programme budget implications of the draft resolution, said that, under the terms of paragraph 2, the Special Committee would hold its next session from 3 to 13 April 2006 and the total cost for conference servicing and documentation for that

meeting in all six official languages was estimated at US$ 489,700 (at 2006-2007 rates). Since the session had already been programmed in the draft calendar of conferences and meetings for the biennium, no additional appropriation would be required.

25. Under the terms of paragraph 12 of the draft resolution, the Secretary-General was requested to continue his efforts, within the level of the currently approved budget, to make all versions of the *Repertory of Practice of United Nations Organs* available in electronic format as early as possible. In that context, he drew attention to section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the General Assembly reaffirmed the responsibility of the Fifth Committee for administrative and budgetary matters and the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Committee was also drawn to paragraph 67 of the report of the Advisory Committee on Administrative and Budgetary Questions (A/54/7) and to paragraph 31 of document A/C.5/54/SR.21, which indicated that the use of the phrase "within existing resources" or similar language in resolutions had a negative impact on the implementation of activities and should therefore be avoided.

26. *Draft resolution A/C.6/60/L.13 was adopted.*

27. **Mr. Elji** (Syrian Arab Republic), explaining his delegation's position, said that since the proposed programme budget for the biennium 2006-2007 had not yet been adopted, his delegation sought an assurance that the use, in the draft resolution, of the phrase "within the level of the currently approved budget" would not, despite the statement by the Secretary of the Committee, in any way affect negotiations within the Fifth Committee over the resources to be allocated to the project of making the *Repertory of Practice of United Nations Organs* electronically available as soon as possible. Any adverse effect on the budget allocation resulting from the use of the phrase in the draft resolution would be tantamount to interference with the decisions of another Committee.

28. **Mr. Toro Jiménez** (Bolivarian Republic of Venezuela), explaining his delegation's position, said that the Special Committee could have made a stronger case on assistance to third States affected by the application of sanctions. He also wished to dissociate his delegation from the provisions of the twelfth and thirteenth preambular paragraphs; any other course of action would imply acceptance of the legitimacy of the 2005 World Summit Outcome, which, as it had said before, his delegation considered null and void, except as a working paper.

The meeting rose at 1.05 p.m.